

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

C.R. No.2923 of 1989

Date of Decision:21.2.2007.

State of Punjab and another

....Petitioners.

Versus

Gopal Dass, Driver.

...Respondent.

CORAM : Hon'ble Mr. Justice Hemant Gupta.

Present:- Mr.Sushant Maini, DAG Punjab.

HEMANT GUPTA, J.(ORAL)

The challenge in the present revision petition is to the order passed by the First Appellate Court on 22.2.1989 whereby an application for condonation of delay of 20 days in filing of first appeal was dismissed.

The plaintiff-respondent filed a suit for declaration challenging the order passed by defendant No.2 with-holding increments of the plaintiff, as illegal, unlawful and ultra-vires and that pay of the plaintiff is entitled to be fixed in the pay scale of Rs.450-700. Learned trial Court partly decreed the suit and returned the findings that the pay of the plaintiff is required to be fixed in the pay scale of Rs.450-700, after taking into consideration the increments which have not been stopped. But the suit regarding stoppage of increments was dismissed.

Normally I would have condoned delay in filing of the appeal before the First Appellate Court as it was the stand of the petitioner that the concerned authority was busy with flood duty from 14.10.1988.

However, in view of facts and circumstances of the case, I do

not find that any useful purpose would be served in condoning the delay in filing of the appeal and thereafter remanding the matter for fresh decision by the First Appellate Court.

The learned trial Court has not interfered with the order of stoppage of increment. Therefore, I do not find that there is any illegality or irregularity in the decree granted by the learned trial Court whereby the pay of the plaintiff was ordered to be fixed in the pay scale of Rs.450-700, after awarding him due increments which have not been stopped. The reasoning given by the learned trial Court is fair and reasonable.

In view thereof, I do not find any ground to interfere in exercise of revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

21.2.2007.
Reema